

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:17-CV-143-D

KAREEM L. SMITH,

Plaintiff,

v.

CITY OF GREENVILLE,

Defendant.


ORDER

On November 16, 2017, defendant City of Greenville moved to dismiss plaintiff Kareem L. Smith's complaint for lack of personal jurisdiction, insufficient process, and insufficient service of process [D.E. 12] and filed a memorandum in support [D.E. 13]. See Fed. R. Civ. P. 12 (b)(2), (4), (5). On November 16, 2017, the court notified Smith about the motion, his right to respond, the deadline for responding, and the consequences of failing to respond. See [D.E. 14]; Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam). Smith never responded.

The court has considered the motion to dismiss under the governing standard. See, e.g., Cherry v. Spence, 249 F.R.D. 226, 228–30 (E.D.N.C. 2008). Smith has failed to serve defendant.

In sum, the court GRANTS the motion to dismiss [D.E. 12] and DISMISSES the action without prejudice.

SO ORDERED. This 28 day of December 2017.


JAMES C. DEVER III
Chief United States District Judge